

**REMARKS**

This responds to the Office Action dated on October 25, 2007.

Claims 1, 4, 8-10, 14, 15, 23-34, 36 and 39 are amended and claim 42 is canceled; as a result, claims 1-41 are now pending in this application.

**Specification**

The disclosure was objected to due to informalities. Applicants have amended the specification to overcome these objections. Additional amendments have been made to the specification to cure other informalities in the specification.

**§102 Rejection of the Claims**

Claims 1-4, 8-16, 18-23, 26 and 28-42 were rejected under 35 U.S.C. § 102(e) as being anticipated by McKissick et al. (U.S. Publication No. 2007/0124795). With regard to claim 1 and its associated dependent claims, the Applicants respectfully traverse. However, the Applicants have amended the claims to clarify the patentable aspects of the present invention.

Claim 1 is a method claim with three main limitations: communicating television content to a receiver system, communicating authoring data associated with the television content to the receiver system, and communicating an authoring application to the receiver system. With this system, a user of the receiver system viewing television content can execute the authoring application that as been received along with the authoring data associated with television in order to create an original work of authored content that includes some of the authoring data associated with the television content that has been selected by the user. Paragraph 0079 of the specification presents ten possible examples of authoring data that may be sent along with associated television content that can be used to create authored content with the authoring application. It needs to be emphasized that the list in paragraph 0079 are just some examples and that new types of data can be introduced at any time since the system communicates the authoring program along with the authoring data and television content. Thus, a new type of authoring data can be sent along with a new authoring application that can handle that new type of authoring data.

In the system of the McKissick reference there is no teaching of sending an authoring application along with the authoring data and television content. In the Examiner's rejection of claim 1, nothing in the McKissick reference was cited as teaching "communicating an authoring application to the receiver system" as required by both the original and the currently amended claim 1. The Examiner referred to "messaging equipment 22" but only "for supporting the transmission of messages between viewers". The Applicants do not dispute that messaging equipment 22 could be used for supporting the transmission of messages between viewers, however, this is not the same as transmitting an authoring application from a source system to a receiver system. In fact the McKissick reference teaches away from such a system since paragraph 0061 of the McKissick reference only teaches about the messaging equipment transmitting "messages involving text, graphics, video, or audio data." There is no mention of any system for transmitting an authoring application to a receiver. Specifically, paragraph 0061 states:

Television distribution facility 16 preferably has a server or other suitable computing equipment or audio or video equipment such as audio voice mail equipment (herein collectively referred to as message equipment 22) for supporting the transmission of messages between users. For clarity, certain aspects of the invention are simply described as being implemented using a message server although these aspects of the invention are also applicable to other types of message equipment. The message equipment 22 (e.g., a message server) may be capable of handling messages involving text, graphics, video, or audio data. If desired, the bandwidth requirements of message equipment 22 may be reduced by restricting messages to text, audio, and/or graphics, rather than including video. Message equipment 22 in television distribution facility 16 may be configured in a client-server arrangement in which each piece of user television equipment 20 (i.e., each user television equipment device 20) acts as a client processor.

Since McKissick reference does not teach "communicating an authoring application to the receiver system" as required by both the original and the currently amended claim 1, the Applicants respectfully submit that independent claim 1 and the claims dependent upon it are allowable. Furthermore, neither the Nishioka et al. reference (U.S. Patent No. 6,785,905) nor the Angel et al. reference (U.S. Publication No. 2004/0025192) cited by the Examiner in other rejections teach this limitation.

With respect to independent claim 23, claim 23 has been amended to include all three of the main limitations of independent claim 1. Specifically, independent claim 23 claims “a source system to distribute television content, auxiliary authoring data, and an authoring application to a plurality of receiver systems,” Since claim 23 contains the novel feature of distributing an authoring application as set forth in the previous section, independent claim 23 is now allowable. The claims dependent upon claim 23 include all of its limitations and are thus likewise allowable.

Independent claim 32 covers the authoring application that executes on the receiver system. Amended claim 32 specifies how the authoring application includes “a receiver component to receive auxiliary authoring data, said auxiliary authoring data comprising more than one item of media information associated with and broadcast with television content received by said client machine”, “a display component to display the auxiliary authoring data to a user;”, “an input component to receive user identification of at least a portion of the auxiliary authoring data”, and “a messaging component to create a message including the portion of the auxiliary authoring data for a messaging system” The McKissick reference does not teach a system with all four of these features.

Referring to the first authoring application feature of independent claim 32 describing “a receiver component to receive auxiliary authoring data, said auxiliary authoring data comprising more than one item of media information associated with and broadcast with television content received by said client machine”, the McKissick reference does not explicitly teach receiving such “auxiliary authoring data comprising more than one item of media information associated with and broadcast with television content received”. Paragraph 0126 of the McKissick reference probably contains the information most close this feature. Paragraph 0126 of the McKissick reference states:

[0126] The user may also send an audio message by selecting option 307 or a video message by selecting option 309. The user can compose an audio message by speaking into a microphone connected to the set-top box or by sending an audio clip from a program. The user can compose a video message using a video camera, a VCR, or by using video clips or video stills from a TV program. The video may be recorded using a local storage device (e.g. in the set-top box) or at a server. The user

may also send video clips from a server-based library. The user may also send program guide information to another user as part or all of the message by selecting option 311. The program guide information may be a brief description of the program in window 304, a portion of the program guide listings, or a TV program or channel schedule. The user can send the message to the recipients by selecting send option 306. The user can cancel the message by selecting cancel option 310 and return to a set-top box application menu or a full screen view of the current television program. An advertisement may be displayed in region 301 of screen 300.

The above paragraph 0126 of the McKissick reference refers to the actual television content (“an audio clip from a program”, “video clips or video stills from a TV program. The video may be recorded using a local storage device (e.g. in the set-top box)”) or server-based information (“The user may also send video clips from a server-based library”) neither of which are “auxiliary authoring data comprising media information associated with and broadcast with television content” received by the receiver system since the first is the actual television content and the second is server based.

The McKissick reference does state that the “user may also send program guide information to another user as part or all of the message by selecting option 311.” Applicants do not dispute that the receiver system in the McKissick reference receives program guide information. However, the program guide information sent to the receiver system is the only information associated with a program sent to the receiver that can be incorporated in a message such that it does not qualify as “more than one item of media information associated with and broadcast with television content”.

Furthermore, the message creation system in the McKissick reference does not include “a display component to display the auxiliary authoring data to a user”. Referring to **Figure 17** of the McKissick reference, the message creation system merely has a “Send Program Guide Information” button 311 that allows the user to include program guide information but the actual program guide information is not displayed.

Since the McKissick reference does not teach an authoring application in a receiver system with “a receiver component to receive auxiliary authoring data, said auxiliary authoring data comprising more than one item of media information associated with and broadcast with television content received by said client machine”, nor “a display component to display the

auxiliary authoring data to a user;”, the the McKissick reference does not anticipated the invention as claimed by independent claim 32. Furthermore, neither the Nishioka et al. reference (U.S. Patent No. 6,785,905) nor the Angel et al. reference (U.S. Publication No. 2004/0025192) cited by the Examiner in other rejections teach these limitation. Thus, independent claim 32 and all the claims dependent upon it are allowable.

*§101 Rejection and §112 Rejection of the Claim 42*

Claim 42 was rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter and claim 42 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have cancelled claim 42 such that the rejection of claim 42 is now moot.

*Reservation of Rights*

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-373-6900 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 1-25-08

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